

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Rafael Danam,

Case No. 2:19-cv-01606-JAD-DJA

Plaintiff

V.

Elaine Kelley, et al.,

Defendants

Order Denying Motions as Premature

[ECF Nos. 25, 26, 28, 29, 30, 31]

8 Rafael Danam sues Elaine Kelley, the principal of his former employer, the Somerset
9 Academy Aliante Charter School, asserting constitutional and employment-related claims.
10 Because Danam was granted *in forma pauperis* status, the court screened his complaint; upon
11 doing so, it dismissed that complaint with a detailed explanation of its deficiencies and gave
12 Danam leave to amend—twice.¹ Danam has filed his second amended complaint,² but the court
13 has not yet screened it to determine whether it states a colorable claim for relief that Danam may
14 pursue and seek relief on. Unless and until the court finds upon screening of that second
15 amended complaint that this action may move forward, Danam’s requests for summary
16 judgment, judicial notice, and other affirmative relief or remedies are procedurally premature and
17 the defendant has no obligation to respond to them. So the court denies all of Danam’s pending
18 motions as premature and cautions Danam that **unless and until this court has issued an order**
19 **screening his second amended complaint and permitting this case to move forward, his**
20 **motions will continue to be denied as premature.** Because this court has a large caseload and
21 many other matters await screening before this one, **Danam is further advised that it may take**

23||¹ ECF Nos. 5, 23.

2 ECF No. 24.

1 many months before the order screening his second amended complaint is issued in this
2 case.

3 IT IS THEREFORE ORDERED that the following motions [ECF Nos. 25 26, 28, 29, 30,
4 31] are DENIED as premature because there is yet no operative complaint:

- 5 • Plaintiff's Motion for Judicial Notice [ECF No. 25];
- 6 • Plaintiff's Motion for Summary Judgment Failure of Defendant to Pay Last Day
7 of Wages from Wrongful Termination/Breach of Contract [ECF No. 26];
- 8 • Plaintiff's Motion for Reconsideration of Judicial Orders and Notice for Judicial
9 Recusal Consideration [ECF No. 28];
- 10 • Plaintiff's Motion of Judicial Notice to Defendant's Convicting Statement on
11 Record from Motion to Dismiss [ECF No. 29];
- 12 • Plaintiff's Motion to Strike Claimant Cause of Claim from Record and Validate
13 Cause of Claim against Defendant [ECF No. 30]; and
- 14 • Plaintiff's Motion for Defendant to Confess to Claim and Remit Compensatory
15 Relief Prior to Judicial Judgment [ECF No. 31].

16 Dated: March 4, 2020

17 
18 U.S. District Judge Jennifer A. Dorsey